

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

PATRICIA D. BACHHOFFER,
an individual,

Plaintiff,

-vs-

G. PAUL KULA, M.D.,
an individual,

Defendant.

)
)
)
)
) NO. CIV-04-969-F
)
)
)
)
)

DEPOSITION OF PATRICIA DARLENE BACHHOFFER

TAKEN ON BEHALF OF THE DEFENDANT

IN OKLAHOMA CITY, OKLAHOMA

ON DECEMBER 1, 2004

COPY

CITY REPORTERS, INC.
117 PARK AVENUE, FIRST FLOOR
OKLAHOMA CITY, OKLAHOMA 73102
(405) 235-3376

REPORTED BY: CYNDI WHITE LARIMER, CSR

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 40

1 injury?

2 A Yes, sir.

3 Q What injury did he have?

4 A He lost part of a finger and he hurt his
5 knee.

6 Q So you have no idea why he gets a Social
7 Security disability check?

8 A It's the same reason.

9 Q Same injuries?

10 A Yes.

11 Q Okay. His knee and his finger?

12 A Well, his knee.

13 MR. SMITH: While we have no question on
14 the table, could we take a break? She's been going an
15 hour.

16 MR. McMILLIN: Certainly.

17 (Short break)

18 Q (By Mr. McMillin) You mentioned that
19 Dr. Carnahan referred you to Dr. Kula. And it looked
20 like, from looking at the records, that you first saw
21 Dr. Kula on June 6th of 2000.

22 Does that sound accurate?

23 A Yes, sir.

24 Q Okay. Did Dr. Carnahan tell you that Dr.
25 Kula was a psychiatrist?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 41

1 A Yes, sir.

2 Q Did you know anything else about Dr. Kula
3 before you went and saw him as a patient?

4 A No, sir.

5 Q Had you talked to anybody -- anybody else
6 about Dr. Kula before you went and saw him as a
7 patient?

8 A No, sir.

9 Q Hadn't done any research about him or
10 anything like that?

11 A No, sir.

12 Q Had you ever seen a psychiatrist before going
13 to see Dr. Kula?

14 A No, sir.

15 Q Have you ever been treated by a psychologist
16 before seeing Dr. Kula?

17 A Not that I recollect.

18 Q I think his records actually show June 7th.
19 I don't know if I said June 6th, but...

20 Did you ever talk to Dr. Kula about his
21 diagnoses after you initially saw him?

22 A No, sir.

23 Q Did he tell you --

24 MR. SMITH: I'm a little confused by that
25 question, Mike. Do you mean at that first session or

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 42

1 anytime thereafter?

2 MR. McMILLIN: Yeah. I'll be more
3 specific.

4 Q (By Mr. McMillin) During the first or second
5 session, did Dr. Kula ever discuss with you what his
6 assessment was, what his diagnosis was of what your
7 problems were?

8 A No, sir.

9 Q What was your understanding as to -- for what
10 reasons you were seeing Dr. Kula?

11 A Anxiety, depression, stress disorder, OCD,
12 anxiety.

13 Q And who first diagnosed you with OCD?

14 A Suzanne Fife.

15 Q And what is OCD?

16 A Obsessive-compulsive disorder.

17 Q And what were your symptoms of having OCD?

18 A I would wash my hands a lot until they were
19 raw. I would worry until my head hurt really bad,
20 double-check things, stove, iron, that sort of thing.

21 Q And what problems did you have with anxiety?

22 A Can you be more specific?

23 Q Sure.

24 You said, you know, during the time frame
25 that you first started going to see Dr. Kula, that you

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 43

1 were suffering from anxiety. Can you just give me some
2 types of examples of what problems you were having?

3 A I would get anxious and my heart would beat
4 fast, and I would shake on the inside, any kind of
5 stressful situation.

6 Q Did you have anxiety being out in public
7 places or being around other people, things like that?

8 A Yes, sir.

9 Q And how long had you been having that type of
10 anxiety?

11 A Quite a long time.

12 Q Okay. Does that still bother you, to be out
13 in public places with social interaction with others?
14 Do you still have that type of anxiety?

15 A Yes, I do.

16 Q And you said you were suffering from
17 depression.

18 How did the depression manifest itself?

19 A Can you explain?

20 Q Sure.

21 What symptoms of depression were you having?
22 Did you just feel sad? Or just kind of tell me how you
23 felt.

24 A Okay. I would feel sad, cry a lot, very
25 emotional.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 44

1 Q Do you still consider yourself to be
2 suffering from depression?

3 A Yes, sir.

4 Q And is that depression that you were
5 suffering when you initially went to see Dr. Kula, how
6 long had you been suffering from that type of
7 depression?

8 A For a while.

9 Q Several years?

10 A I can't give you a specific time.

11 Q Several years?

12 A Yes, sir.

13 Q When you had panic attacks, what would that
14 be like?

15 A I would feel like I wanted to just run. I
16 would be sitting somewhere and I would just want to run
17 as fast as I could to get away from it.

18 Q Do you still have panic attacks?

19 A Not as bad as I did.

20 Q And is that because of the medication you're
21 taking? The Klonopin helps with the panic attacks?

22 A It's because I stay home.

23 Q Does the medication, Klonopin, help you with
24 the panic attacks?

25 A Yes, sir.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 45

1 Q And you say you stay home. What do you mean?
2 Do you not get out much?

3 A No, sir.

4 Q Now that you're not working, what do you do
5 to occupy your time?

6 A I take care of my daughter the best I can, I
7 crochet, I sew, I work on my housework.

8 Q Do you do the shopping?

9 A Only if my husband goes with me.

10 Q I guess your husband -- is he home during the
11 day as well?

12 A Yes, sir.

13 Q And your granddaughter's in school?

14 A Yes, sir.

15 Excuse me. That's my daughter.

16 Q This initial visit with Dr. Kula on June 7th
17 of 2000, how long did that visit last?

18 A I don't remember.

19 Q You saw him in his office?

20 A Yes, sir.

21 Q Where was his office located?

22 A In the Quentin Little building in Ardmore.

23 Q Okay. And on June 7th, when you initially
24 saw him, were there any other office employees working
25 that day?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 47

1 Q You never talked to him?

2 A No, sir.

3 Q What about a Kasy Fincher? Do you know her?

4 A No, sir.

5 Q Never talked to a Kasy Fincher?

6 A No, sir.

7 Q During the first session you had with Dr.

8 Kula on June 7th, 2000, tell me what you remember about
9 that session.

10 A Just that he took a family and medical
11 history, is all I recollect.

12 Q Okay. And was Dr. Kula professional during
13 that initial session on June 7th of 2000?

14 A Yes, sir.

15 Q He always acted in a professional manner on
16 that visit?

17 A Yes, sir.

18 Q Anything inappropriate that occurred during
19 that initial visit on June 7th of 2000?

20 A No, sir.

21 Q Did he say he was going to prescribe some
22 medications for you after that initial visit?

23 A Yes, sir.

24 Q Okay. What did he prescribe for you?

25 A I remember Klonopin, Celexa, and Wellbutrin.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 48

1 Q Okay. We've talked about the Klonopin.

2 Did he tell you why he was prescribing that
3 for you?.

4 A No, sir.

5 Q Was it your understanding he was prescribing
6 the Klonopin for the panic attacks?

7 A Anxiety and depression.

8 Q What about the Celexa? Do you know why he
9 was -- Celexa? Do you know why he prescribed that for
10 you?

11 A No, sir.

12 Q Was it your understanding that was for
13 anxiety and depression as well?

14 A I took it that that's what it was.

15 Q Had you taken Celexa before?

16 A I don't recall.

17 Q Had you taken Klonopin before?

18 A No, sir.

19 Q And then the Wellbutrin, what was that for?

20 A It was supposed to raise my libido.

21 Q Who told you that?

22 A Dr. Kula.

23 Q When did he tell you that Wellbutrin was
24 supposed to raise your libido?

25 A I can't recall. It's when he prescribed it

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 49

1 for me.

2 Q Had you expressed to him, on June 7th of
3 2000, you were having some type of problems with your
4 sexual desire or sexual relationship with your husband?

5 A I don't recall if it was the first visit. I
6 don't recall.

7 Q Well, it looks like, from his records, that
8 he prescribed the Wellbutrin to you on the first visit.

9 Is that your recollection?

10 A I don't recall. I'm sorry.

11 Q And his records say the purpose of the
12 Wellbutrin is to provide a mood-stabilizing type agent
13 and sort of the drug of choice for bipolar depression.

14 Did he tell you that's why he was providing
15 you with this Wellbutrin?

16 A No, sir.

17 Q Have you ever been told that Wellbutrin is a
18 mood-stabilizing drug?

19 A No, sir.

20 Q Do you still take that medication?

21 A No, sir.

22 Q When did you stop taking the Wellbutrin?

23 A I don't recall.

24 Q Has any other doctor ever prescribed that for
25 you, other than Dr. Kula?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 52

1 A I don't recall.

2 Q And did you take the medication as he had
3 prescribed you to take it?

4 A Yes, sir.

5 Q Okay.

6 It looks like the next time you went back and.
7 saw him was on June 28th of 2000.

8 Does that sound right?

9 A Yes, sir.

10 Q Had you noticed any benefit from June 7th to
11 June 28th, from the medications?

12 A The Klonopin made me calmer. It was slowly
13 beginning to work.

14 Q Are you able to distinguish -- since you were
15 taking three medications, and I think some others as
16 well, are you able to distinguish what effects each
17 medication has on you?

18 A No, sir.

19 Q You saw Dr. Kula in his office on June 28th,
20 2000?

21 A Yes, sir.

22 Q And what do you remember about that session?

23 A Just that my birthday was on the 26th and we
24 discussed how I was feeling. I had a bad birthday, so
25 I was kind of depressed.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 53

1 Q And I think I read somewhere that nobody
2 remembered your birthday.

3 Is that what you were depressed about?

4 A Yeah.

5 Q Okay. What else do you remember about this
6 June 28th visit?

7 A Just that when I got up and got ready to
8 leave, he gave me a hug and I went out and paid and
9 left.

10 Q Okay. And when you -- did you have to pay
11 each time you went to a visit with Dr. Kula?

12 A Yes, sir.

13 Q Did you pay by cash or check or credit card?

14 A I don't remember. I really don't.

15 Q When you say Dr. Kula gave you a hug when you
16 were getting ready to leave, did you consider anything
17 inappropriate about the fact that he gave you a hug, or
18 did you just consider it he was trying to cheer you up,
19 be nice?

20 A Just to cheer me up. I didn't really think a
21 lot about it.

22 Q Dr. Kula mentions in his records on June
23 28th, 2000, that -- he states, "I might mention,
24 though, since I saw her last, since we raised the issue
25 of bipolar disorder and treated her as much, she's done

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 54

1 extremely well and everybody comments how much better
2 she's doing, and her longstanding problems with low
3 libido have been improved as well."

4 Do you agree with that statement, that people
5 were commenting that you were doing better and that
6 your low libido had improved as well?

7 A I don't even recall. I just don't recall.

8 Q That's fine. I don't expect you to remember
9 all this stuff.

10 A Oh, okay.

11 Q But I have to ask you, to see what you
12 remember.

13 A Okay.

14 Q So you don't know one way or the other
15 whether that's accurate or not?

16 A No, I don't.

17 Q He also states, "She's not having any more
18 panic attacks of any kind and her social anxiety has
19 calmed down quite a bit."

20 Do you agree with that?

21 A I don't recall.

22 Q He mentions that, "There's self-esteem issues
23 because she has not only conflicts with her parents,
24 but also with her husband over time, who has considered
25 divorcing her, and her three children."

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 55

1 What conflict were you having with your
2 parents?

3 A None.

4 Q Have you had conflicts in the past with your
5 parents?

6 A Not that I recall. I mean, the usual, but...

7 Q Do you get along well with your mom?

8 A Yes, sir.

9 Q How about with your father?

10 A Oh, yeah.

11 Q What about the statement about your husband,
12 who was considering divorce? When was your husband
13 considering divorce?

14 A It wasn't my husband. It was me.

15 Q Okay. So when were you considering getting
16 divorced from your husband?

17 A It was during this time.

18 Q How long -- when did you first think about or
19 consider getting a divorce from your husband?

20 A I don't recall.

21 Q Let's put it in the time frame of -- this is
22 June of 2000, when you're seeing Dr. Kula.

23 How much before that time frame had you first
24 considered ever possibly leaving your husband or
25 divorcing him?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 58

1 Q Why was she putting her child over the ledge?

2 A I really don't know, except that she was
3 giving him a hair cut and he wouldn't sit still.

4 MR. McMILLIN: Why don't we break right
5 here and go eat lunch and come back.

6 (Lunch recess)

7 Q (By Mr. McMillin) Okay. Ms. Bachhofer,
8 before we broke for lunch, I think I was asking you
9 about this June 28th visit with Dr. Kula.

10 Was there anything inappropriate that Dr.
11 Kula did during this June 28th, 2000, visit?

12 A I didn't feel like there was.

13 Q Okay. He was professional during the visit?

14 A (Nods head)

15 Q Is that yes?

16 A Oh, yes. I'm sorry.

17 Q That's okay.

18 Looks like the next time you saw him,
19 according to Dr. Kula's records, is July 14th, 2000.

20 Does that sound about right?

21 A I'm just really not good with dates.

22 Q Okay. If that's what his records show, you
23 don't dispute that, do you?

24 A No, I don't.

25 Q Okay. Do you remember anything specifically

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 61

1 sorry.

2 Q Where does Kenneth Holden live?

3 A Lindsay, Oklahoma.

4 Q Is he married?

5 A Yes, sir.

6 Q And who is his wife?

7 A Judy.

8 Q Is Judy a friend of yours as well?

9 A She's my best friend.

10 Q Have you ever had any type of relationship
11 with anybody outside of your marriage, other than your
12 claims concerning Dr. Kula?

13 MR. WATTS: Are you talking about a
14 romantic --

15 MR. McMILLIN: Yes.

16 MR. WATTS: -- an affair?

17 MR. McMILLIN: Yes.

18 MR. WATTS: Go ahead.

19 Q (By Mr. McMillin) Any type of romantic
20 relationship.

21 A No, sir.

22 Q Was there anything that you considered to be
23 inappropriate during your visit with Dr. Kula on July
24 14th, 2000?

25 A Not that I recollect.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 62

1 Q His conduct was professional during that
2 visit?

3 A Yes.

4 Q The next visit that I show you had with Dr.
5 Kula was on August 8th of 2000.

6 Does that sound right?

7 A I just don't remember the dates of my
8 appointments.

9 Q Okay. He mentions in this August 8th note
10 that you've been working three different jobs in a
11 sense, working at the Greenville school system but
12 still doing part-time work elsewhere.

13 Were you working any other places?

14 A Not that I remember.

15 Q Have you ever worked part-time anywhere else
16 while you were working for the school system?

17 A No, sir. Not that I remember.

18 Q He says you have responded well to your
19 medication.

20 Do you agree with that?

21 A I'm sorry. I just can't remember.

22 Q And he mentions it might be worth considering
23 something like Topamax.

24 Did he ever prescribe Topamax for you?

25 A Yes, sir.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 63

1 Q What was that for?

2 A I don't know.

3 Q How long did you take Topamax?

4 A Maybe three days, at the most.

5 Q Did you have some type of adverse reaction to
6 that or --

7 A Yes, sir.

8 Q What reaction did you have?

9 A I couldn't walk straight. I was running into
10 walls and couldn't function.

11 Q Okay. So I take it you reported that to Dr.
12 Kula and he took you off that medication?

13 A I reported it to J.R.

14 Q Okay. Did they tell you to quit taking the
15 medication?

16 A Yes, sir.

17 Q And did those problems go away then?

18 A Yes, sir.

19 Q Was there anything inappropriate that
20 happened during this August 8th, 2000, visit with Dr.
21 Kula?

22 A Not that I remember.

23 Q He acted in a professional manner during that
24 visit?

25 A Yes.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 64

1 Q Next visit I see that you went to Dr. Kula
2 was on August 22nd of 2000. It says "We shortened this
3 visit to a half-hour session."

4 Do you remember that visit at all?

5 A No, I don't. I'm sorry.

6 Q He says, "She is still kind of off to the
7 races, looks very hypomaniac, hypersexual, but it is not
8 like she is really doing anything, just a lot of talk."

9 Do you remember any discussions you had with
10 Dr. Kula --

11 MR. WATTS: What's the date of that?

12 MR. McMILLIN: August 22nd.

13 Q (By Mr. McMillin) -- on August 22nd, 2000,
14 about anything to do relating to sex or --

15 A I don't remember.

16 Q He states here, "She still complains about
17 wanting to have sex with other men, but that she is not
18 likely to do so because she would feel guilty."

19 Do you remember telling that to Dr. Kula,
20 that you were having thoughts about wanting to have sex
21 with other people?

22 A No, sir, I don't.

23 Q Did you ever tell him anything like that?

24 A No, sir.

25 Q Was there anything inappropriate that

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 65

1 happened during this August 22nd, 2000, visit?

2 A Not that I remember.

3 Q The next visit that I show you had with Dr.
4 Kula was on September 15th of 2000.

5 Does that sound about right?

6 A I'm sorry. I just don't remember the dates.

7 Q He says, "She's doing okay on the medication,
8 except she cannot take Topamax at all, too many side
9 effects, so we dropped it."

10 Does that sound about right?

11 A Yes, sir.

12 Q He states he gave you some samples of the
13 Celexa.

14 Do you remember him giving you samples of
15 that?

16 A Yes, sir, he did.

17 Q Did he give you samples of any other
18 medication?

19 A No, sir.

20 Q He states that you talked mostly about
21 options in life, whether to stay with your husband,
22 whether to get further education, whether to get
23 divorced, all these different things.

24 Do you remember talking about those types of
25 things with Dr. Kula?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 66

1 A Yes, sir.

2 MR. SMITH: Mike, while we have no
3 question on the table, could I meet with my co-counsel
4 and my client a moment?

5 MR. McMILLIN: (Nods head)

6 MR. SMITH: Thank you.

7 (Short break)

8 Q (By Mr. McMillin) On September 15th of 2000,
9 were you still considering whether you wanted to
10 divorce your husband?

11 A Yes.

12 Q Dr. Kula also mentions in this September
13 15th, 2000, note that you feel very confused, feels
14 like you've been tied down with children all your life,
15 and now you're tied down with a seven-year-old
16 grandchild.

17 Do you remember talking to Dr. Kula about
18 those types of things?

19 A No, sir.

20 Q Did you ever tell Dr. Kula that you felt like
21 you'd been tied down with children during your
22 lifetime?

23 A I don't recall telling him that.

24 Q Is it possible you did and you just don't
25 remember?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 68

1 insurance, and his counsel indicated -- his counsel
2 indicated to me that there was no insurance, and we
3 indicated, when we refiled it, that we would file
4 alternative causes of action, one in negligence and one
5 in intentional tort.

6 And we since have learned, through new
7 counsel, that Dr. Kula in fact was insured under a -- I
8 don't know whether it's a self-insurance program, but a
9 program with The Sisters of Mercy.

10 And so with that knowledge, then, we do
11 intend to dismiss the alternative cause of action for
12 willful and intentional and malicious infliction of
13 harm. And counsel and I have agreed to do that by a
14 stipulation of dismissal.

15 Does that cover it?

16 MR. McMILLIN: I think that will cover it.

17 (Off the record)

18 Q (By Mr. McMillin) Do you remember anything
19 else about this September 15th, 2000, office visit with
20 Dr. Kula?

21 A Could you speak a little louder?

22 Q Sure.

23 Do you remember anything else about what
24 happened during this September 15th, 2000, office visit
25 with Dr. Kula?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 69

1 A Yes. He kissed me before I left.

2 Q On September 15th?

3 A Yes.

4 And looking back, previously he had kissed
5 me, but I didn't feel it was inappropriate.

6 Q When was the first time that Dr. Kula ever
7 kissed you?

8 A I believe it was -- truly believe it was in
9 September that he started kissing me before I left the
10 office.

11 Q Looks like September 15th was your first
12 visit to see him in September.

13 A Okay.

14 Q Assuming that to be true, do you believe that
15 September 15th is the first day that he ever kissed
16 you?

17 A Yes.

18 Q And how is it that you remember that?

19 A Well, I remember that I had been going to him
20 and he started hugging me, and I felt like that was for
21 reassurance. And then it graduated to kissing, and --
22 and anyway...

23 Q You've told me about one time that he hugged
24 you previously.

25 Had he hugged you more than one time before

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 70

1 this September 15th, 2000, visit?

2 A That first time he hugged me?

3 Q Yes.

4 A He hugged me every time, until he started
5 kissing me.

6 Q And the other times that he hugged you, would
7 it have just been when you were leaving, like you
8 described the first time, just an innocent hug and you
9 basically said goodbye?

10 A Yes.

11 Q Would he say anything to you when he hugged
12 you on those other occasions? Do you remember?

13 A No, I don't remember.

14 Q Okay. But you didn't feel it was
15 inappropriate?

16 A No, I didn't.

17 Q And then on September 15th of 2000, you say
18 Dr. Kula kissed you.

19 How did that come about?

20 A Well, I was getting ready to leave his office
21 and he gave me a normal hug like he did, and this time
22 he kissed me on the lips.

23 Q What did you do?

24 A Well, I was kind of in shock. I had kissed
25 him -- I mean, I responded.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER V. G. PAUL KULA, M.D.

Page 71

1 Q You kissed him back?

2 A Yes, sir.

3 Q Prior to September 15th of 2000, had you
4 started developing any type of feelings for Dr. Kula,
5 any attraction to Dr. Kula?

6 A I don't believe so.

7 Q Well, did Dr. Kula say anything to you, or he
8 just kind of kissed you out of the blue?

9 A Well, kissed me out of the blue, I guess you
10 could say. I wasn't expecting it.

11 Q And how long did this kiss last?

12 A Oh, a minute or so.

13 Q And you were in his office?

14 A Yes.

15 Q Was his office door closed?

16 A Yes, sir.

17 Q Do you know if his door was unlocked or
18 locked?

19 A I don't know.

20 Q Was anybody else in his office that day, that
21 you know of?

22 A No. Not that I know of. I'm sorry.

23 Q Was J.R. Bart present that day, on September
24 15th?

25 A I don't remember.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 72

1 Q What time of day was your appointment that
2 day?

3 A I don't remember.

4 Q So as you were getting up to leave from Dr.
5 Kula's office, he just came up to you and hugged you,
6 and then you kissed him for about a minute?

7 MR. SMITH: I don't think, Counsel, that's
8 what she said. I don't think that's been her
9 testimony. She said he kissed her.

10 Q (By Mr. McMillin) You said you kissed him
11 back, though; right?

12 A Yes.

13 Q Okay. So is it fair to say you and Dr. Kula
14 were kissing each other for about a minute right before
15 you left his office?

16 A He started it.

17 Q Right.

18 A But yes, I did kiss him back.

19 Q Okay. So after he kissed you, you didn't
20 pull away or try to get him to stop or anything of that
21 nature?

22 A No.

23 Q And is there any reason you didn't tell him
24 to stop?

25 A No.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 73

1 Q Why didn't you?

2 A I don't know.

3 Q Did you think it was appropriate for a doctor
4 that you were seeing to kiss you?

5 A I didn't think about it. I just wasn't
6 thinking.

7 Q Well, what -- did you leave his office right
8 after that?

9 A Yes, sir.

10 Q After he kissed you, was there any
11 communication between you and him, or did you just
12 immediately leave?

13 A I paid and left.

14 Q Okay. So he just -- you and him kissed for
15 about a minute, and you walked out of the office
16 without saying another word to him?

17 A Said goodbye and left.

18 Q Did Dr. Kula ever leave his office after
19 that, or did you --

20 A I don't know what he did.

21 Q I mean, while you were still there.

22 Did he just stay in his office and you walked
23 out?

24 A Yes, sir.

25 Q Okay. And you went out to the reception area

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 77

1 A In his chair.

2 Q Okay. And is that the same on December 15th,
3 you sat on the love seat and he sat in his chair?

4 A When?

5 Q September 15th.

6 A Oh, I thought you said -- okay.

7 Yes.

8 Q Did the fact that Dr. Kula and you kissed on
9 September 15th cause you any concerns or uneasy
10 feelings or problems, up until the time of your next
11 visit on September 29th?

12 A No.

13 Q According to Dr. Kula's records, he next saw
14 you on December 29th of 2000. It says you came in for
15 an hour, "but we had to shorten this to a half-hour
16 session due to time constraints."

17 MR. SMITH: Can I have that date again,
18 Counsel?

19 MR. McMILLIN: September 29th.

20 MR. SMITH: Thank you.

21 Q (By Mr. McMillin) Do you remember having to
22 cut your session short to a half hour due to time
23 constraints, on September 29th?

24 A September 29th.

25 Q And that's a Friday.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 83

1 Q Did Dr. Kula ever suggest that you and your
2 husband get some marital therapy?

3 A No, sir, he didn't.

4 Q Did he ever suggest to you that you should
5 get some marital therapy?

6 A No, sir, he didn't.

7 Q Did he ever suggest for your husband to come
8 in for a joint session with him, and you two talk about
9 your marital problems?

10 A No, sir, he didn't.

11 Q Have you and your husband ever been to
12 marital therapy together?

13 A No, sir.

14 Q On this September 29th, 2000, visit, did
15 anything unusual or inappropriate occur during that
16 visit?

17 A When I got up, ready -- got up to leave, he
18 got up, he gave me a hug, and he kissed me and we
19 left -- or he left and I went and paid.

20 Q Up until the time that you claim that Dr.
21 Kula kissed you, had everything been professional and
22 his conduct had been appropriate up until then?

23 A Up until then, yes.

24 Q Okay. And you say that you got up to leave
25 and he hugged you and he kissed you?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 84

1 A Yes.

2 Q And did you kiss him back?

3 A I don't remember.

4 Q Well, how long did -- were you kissing Dr.
5 Kula on September 29th?

6 A How long was he kissing me?

7 Q Well, either way, however it happened. How
8 long did the kiss encounter occur?

9 A I don't know. I don't remember.

10 Q Well, you do remember Dr. Kula kissing you on
11 September 29th?

12 A Yes, I do.

13 Q Did he have his arms around you when he was
14 kissing you?

15 A Yes, he did.

16 Q Did you have your arms around him?

17 A Yes, I did.

18 Q Okay. And what do you remember about the
19 kiss?

20 A His lips were real -- I mean, he touched my
21 lips real softly. His aftershave smelled sexy. He
22 stuck his tongue in my mouth and then the kiss was
23 over.

24 Q Did you stick your tongue in his mouth as
25 well?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 85

1 A No.

2 Q How about on September 15th?

3 A No.

4 Q Were you developing an attraction to Dr. Kula
5 on September 29th?

6 A I don't remember. I do not remember.

7 Q Did you ever tell Dr. Kula to stop kissing
8 you on September 29th?

9 A No.

10 Q Did you ever try to push him away?

11 A No.

12 Q Did you ever give him any hints or
13 suggestions that you didn't want him to kiss you?

14 A No.

15 Q Did you feel as though it was inappropriate,
16 on September 29th, for Dr. Kula to kiss you?

17 A I don't remember.

18 Q Was this something that you were enjoying,
19 kissing Dr. Kula, on September 29th?

20 A I don't know.

21 Q So after you and Dr. Kula kissed on September
22 29th, did he say anything to you or you say anything to
23 him?

24 A No. I went out and paid my bill.

25 Q So neither one of you said a thing. You just

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 87

1 Q And your husband's insurance was paying the
2 rest of it?

3 A Yes.

4 Q So after you left Dr. Kula's office on
5 September 29th, what were your feelings about Dr. Kula?

6 A I don't know.

7 Q What did you think at that point about you
8 and him kissing in his office?

9 A I didn't think anything, that I remember.

10 Q Did you think that was normal behavior?

11 A I may have then. But now that I look back, I
12 know it's not.

13 Q Well, did you think, on September 29th, it
14 was appropriate for you and Dr. Kula to be kissing in
15 his office, considering the fact that you were married
16 and he was married and he was your doctor?

17 A I don't know.

18 Q According to his records, the next time you
19 visited him in the office was October 13th.

20 Does that sound right?

21 A About right.

22 Q Did you tell anybody about this fact that you
23 and Dr. Kula had kissed in his office, at any time
24 before October 13th?

25 A Not that I remember.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 91

1 A No, sir.

2 Q Did anything inappropriate or unusual happen
3 during this October 13th, 2000, visit with Dr. Kula?

4 A As I was going out the door, he hugged me and
5 he kissed me again.

6 Q Was the door closed?

7 A Yes.

8 Q Was it locked?

9 A I have no idea.

10 Q Do you recall what time of the day your visit
11 was on October 13th?

12 A I don't remember.

13 Q So after your session was over, you got up
14 from the love seat? Is that where you were sitting?

15 A Yes, sir.

16 Q Was he sitting in his chair?

17 A Yes, sir.

18 Q Up until then, had your session with him been
19 professional and appropriate?

20 A Could you please repeat that?

21 Q Sure.

22 Up until the time you were getting ready to
23 leave on October 13th, was there anything that you
24 considered to be unprofessional that Dr. Kula did or
25 said?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 92

1 A No. No, sir.

2 Q All right. And then, as you were leaving his
3 office, you say he hugged you.

4 Did you hug him back?

5 A I don't remember. I honestly do not
6 remember.

7 Q When you say he hugged you, how would he go
8 about hugging you?

9 A He would just reach out and hug me.

10 Q So he would put both arms around you?

11 A Yeah.

12 Q He'd be standing in front you and he'd put --

13 A Yeah.

14 Q -- both of his arms around you and hug you?

15 A Yeah. Yes.

16 Q And you don't remember whether you hugged him
17 back or not?

18 A No, I really don't.

19 Q And then you say he kissed you.

20 A Yes, sir.

21 Q Describe this kiss to me, what you remember
22 about that, on October 13th.

23 A He just lightly touched my lips and stuck his
24 tongue in my mouth, and the kiss was over.

25 Q About a minute long again?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 95

1 A Yes.

2 Q Had you started developing any type of
3 attraction or feelings for Dr. Kula by October 13th of
4 2000?

5 A Yes, sir.

6 Q When did you first start developing feelings
7 or attraction to Dr. Kula?

8 A I don't remember the date. I'm sorry.

9 Q So who initiated the kiss on October 13th --
10 you or him?

11 A Dr. Kula.

12 Q Did you have your arms around him while you
13 were kissing?

14 A Yes, sir.

15 Q Did you enjoy the attention that Dr. Kula was
16 giving you?

17 A Yes, sir.

18 Q Did you feel like you were betraying your
19 husband by kissing another man?

20 A I wasn't thinking about my husband at that
21 time.

22 Q You were still considering divorcing your
23 husband?

24 A Yes, sir.

25 Q Anything else, that you haven't told me

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 96

1 about, that you remember happening during this October
2 13th, 2000, visit in Dr. Kula's office?

3 A Well, he smelled good. He made me feel good
4 with the attention that he was giving me.

5 Q Did you and Dr. Kula ever discuss the fact
6 that, you know, you and him had kissed on these two
7 other visits?

8 A We never discussed it, no.

9 Q So after you left on October 13th, 2000, it
10 looks like your next visit was October 27th of 2000.

11 Does that sound right?

12 A Yes, sir.

13 Q Up until October 27th of 2000, did you ever
14 tell anybody else that you and Dr. Kula had kissed at
15 any time?

16 A I don't recall telling anybody. I just don't
17 recall telling anybody.

18 Q That was just something you were keeping to
19 yourself?

20 A Dr. Kula told me not to tell anyone.

21 Q When did he tell you that?

22 A When the kisses started.

23 Q So on September 15th, when he first kissed
24 you, it's your testimony that he told you not to tell
25 anybody?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 100

1 A I don't even remember how that came up. I
2 really don't.

3 Q Did you talk with Dr. Kula or anyone in his
4 office between October 13th and October 27th?

5 A October 13th and October 27th? I don't think
6 so. I don't remember, but I don't think so.

7 Q So you never made any calls to Dr. Kula or
8 his office between October 13th and October 27th, to
9 the best of your knowledge?

10 A To the best of my knowledge, I don't
11 remember.

12 Q Do you recall the visit with Dr. Kula on
13 October 27th, 2000, which would have been Friday?

14 A Yes, sir.

15 Q Do you remember what time of day that
16 appointment was?

17 A No, sir, I don't.

18 Q You don't know what time you arrived at his
19 office that day?

20 A No, I don't.

21 Q Was anybody else in his office that day when
22 you arrived?

23 A I don't recall.

24 Q Okay. What do you recall about this October
25 27, 2000, visit at Dr. Kula's office?

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 101

1 A We were in therapy session and I was sitting
2 on the love seat and he was sitting in his chair. He
3 had -- we had our therapy session and we were
4 discussing -- I don't really remember what we were
5 discussing, but he was sitting in his chair with his
6 legs apart, with my chart in between his legs, and he
7 was rubbing my chart in his crotch.

8 Q And this was some type of a manila
9 folder type --

10 A Manila folder, yes.

11 Q You're sitting on the love seat and he's in
12 his chair.

13 Where is his chair located?

14 A Over by where Mike is sitting.

15 Q So about eight or ten feet away?

16 A Maybe not that far. Maybe about six feet
17 away.

18 Q Was there a desk in front of him, or was it
19 just open space between you and him?

20 A There was a coffee table kind of in between
21 us, you know, and the coffee table was like that.

22 (Indicating)

23 Q Okay. So you just happened to look over
24 there.

25 Was this towards the end of your therapy

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 102

1 session or in the middle of it, or when did this
2 happen?

3 A It was at the end of the therapy session.

4 Q And you saw him rubbing his chart on his lap?
5 Tell me what you saw.

6 A Well, he was sitting there with his legs
7 apart like that, and he had my chart between his
8 legs --

9 Q Sitting flat on his lap like this?
10 (Indicating)

11 A No. No. It was like this. (Indicating)

12 Q Okay. You're saying it was up and down,
13 vertical?

14 A Or -- I'm sorry. It was more like this.
15 (Indicating)

16 Q Okay. Vertically, at an angle?

17 A Yes.

18 Q Okay. Okay.

19 A And he took his hands and he was rubbing it
20 against his crotch.

21 Q So he was pressing down on top of his chart
22 against his crotch?

23 A Yes, sir.

24 Q And did he know you were looking at him?

25 A I don't know. I hurried up and looked away.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 103

1 Q What did you say to him? Did you say
2 anything to him?

3 A I didn't say anything to him.

4 Q Did he say anything to you --

5 A No, sir.

6 Q -- while he was doing that?

7 A We just didn't bring it up.

8 Q How long was he doing this?

9 A Not very long.

10 Q A few seconds or --

11 A Yeah -- yeah. Or I would say under 30
12 seconds. You know, he just sat there and just rubbed
13 it a few times and that was it.

14 Q Was he talking or were you talking while this
15 was going on?

16 A Yeah. We were getting ready to get up and
17 leave from session when this happened -- or when I
18 noticed it happening.

19 Q And what did he do next?

20 A He said the session was over, we got up, he
21 kissed me again, same as before. I left, I went out
22 and paid, and I went down to my car and I sat there for
23 a minute. And I could still smell the aftershave --
24 his aftershave had got on me. And I sat there and I
25 could smell it and it smelled really good.

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 104

1 Q So after you left his office, you sat in your
2 car and you were thinking about Dr. Kula?

3 A Uh-huh.

4 Q Is that yes?

5 A Yes, sir. I'm sorry.

6 Q What were you thinking about him, other than
7 the fact that his aftershave smelled good?

8 A It was a sexy-smelling aftershave.

9 Q So you were thinking about a physical
10 attraction to him at that point?

11 A Yes, sir.

12 Q So other than Dr. Kula rubbing his chart as
13 you've described and kissing you as you left on October
14 27th, did anything else unusual or inappropriate happen
15 during this October 27th, 2000, session at Dr. Kula's
16 office?

17 A Nothing else happened.

18 Q Anything else unusual that was said by Dr.
19 Kula during that visit, that you recall?

20 A Not that I recall.

21 Q Okay. On October 27th, you said he kissed
22 you.

23 Is that basically the same as you've told us
24 before, you got up to leave and he hugged you and you
25 hugged him back and you and him kissed for a minute or

PATRICIA BACHHOFFER
PATRICIA BACHHOFFER v. G. PAUL KULA, M.D.

Page 105

1 so?

2 A Probably less than a minute.

3 Q Okay. And that was a consensual kiss on your
4 part?

5 A Yes, sir, it was.

6 Q Who initiated the kiss on October 27th?

7 A He did.

8 Q And did you have your arms around him as
9 well?

10 A Yes, sir, I did.

11 Q The next note I see here in the file looks
12 like a telephone call that you made to Dr. Kula's
13 office on November 8th, 2000, and it says "Wants to
14 know if she can increase Klonopin, anxiety level is
15 very high."

16 Do you remember calling Dr. Kula's office
17 about that?

18 A No, sir, I don't.

19 Q Do you deny that you called his office asking
20 if you could increase your Klonopin?

21 A Yes, sir, I do deny that.

22 Q So whoever made that note right there just is
23 inaccurate about that?

24 A Yes, sir, they are.

25 Q Did you ever request Dr. Kula or any of his